

Amendment No. 1 to HB2789

Coleman
Signature of Sponsor

AMEND Senate Bill No. 2725

House Bill No. 2789*

by deleting Section 4 of the printed bill in its entirety and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following to the end of subdivision (2):

“Conviction” also includes a juvenile delinquency adjudication for a violent juvenile sexual offense if the offense occurs on or after July 1, 2010.

AND FURTHER AMEND by deleting Section 7 of the printed bill in its entirety and by substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivisions:

() “Violent juvenile sexual offender” means a person fourteen (14) years of age or more but less than eighteen (18) years of age who has been adjudicated delinquent in this state for any act that constitutes a violent juvenile sexual offense as defined in this section and:

(A) Has been found to be at high risk of re-offending by a mental health professional after undergoing a standardized assessment by such professional;
or

(B) Has a prior adjudication of delinquency for a violent juvenile sexual offense.

When a violent juvenile sexual offender becomes eighteen (18) years of age, such offender shall become a violent sexual offender and this part governing violent sexual offenders shall be applicable to such violent juvenile sexual offender unless otherwise set out in this part.

() “Violent juvenile sexual offense” means:

(A) An adjudication of delinquency, for any act committed on or after July 1, 2010, that, if committed by an adult, constitutes the criminal offense of:

- (i) Aggravated rape, under § 39-13-502;
- (ii) Rape, under § 39-13-503;
- (iii) Aggravated sexual battery, under § 39-13-504(a)(1), (2) or (3);
- (iv) Rape of a child, under § 39-13-522, provided the victim is at least four (4) years younger than the offender;
- (v) Aggravated rape of a child, under § 39-13-531; or
- (vi) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision; and

(B) The adjudication is accompanied by a finding, which was made by a mental health professional after such professional conducted a standardized assessment of such juvenile, that the juvenile is at high risk of re-offending if the adjudication is the juvenile's first adjudication for an act listed in subdivision () (A); or

(C) The adjudication is the juvenile's second or subsequent adjudication for an act listed in subdivision () (A).

AND FURTHER AMEND by deleting subsection (p) in Section 12 of the printed bill and substituting instead the following:

(p) Any court exercising juvenile jurisdiction that adjudicates a juvenile as delinquent for conduct that qualifies such juvenile as a violent juvenile sexual offender shall transmit the information set out in subsection (i) pertaining to such violent juvenile sexual offender to the TBI for inclusion on the SOR:

(1) Within forty-eight (48) hours of the offender's standardized assessment finding such offender to be at high risk of re-offending, if the adjudication is the juvenile's first adjudication of a violent juvenile sexual offense; or

(2) Within forty-eight (48) hours of the offender's adjudication, if the adjudication is the juvenile's second or subsequent adjudication of a violent juvenile sexual offense.

AND FURTHER AMEND by deleting the language "adjudication occurred on or after July 1, 2010" in subdivision (C) in Section 19 of the printed bill and substituting instead the language "offenses occurred on or after July 1, 2010".

AND FURTHER AMEND by deleting Section 22 of the printed bill and by substituting instead the following:

SECTION 22. Tennessee Code Annotated, Section 40-39-211, is amended by adding the following new subsection:

(h) The residency restrictions set out in subsections (a) and (b) shall not apply to a violent juvenile sexual offender required to register under this part; provided, that the restrictions set out in subsections (a) and (b) shall apply to a violent juvenile sexual offender when such violent juvenile sexual offender is eighteen (18) years of age or older or such violent juvenile sexual offender has graduated from high school, whichever occurs later.

AND FURTHER AMEND by deleting Sections 11 and 21 of the printed bill in their entirety and renumbering existing sections according.